IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 1488 of 2007
Date of Decision: 19.3.2007

Krishan Kumar ...Petitioner

Versus

Chaman Lal and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri R.S. Bajaj, Advocate, for the petitioner.

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned trial Court on 27.2.2007, whereby an opportunity to produce Handwriting Expert in rebuttal was declined, as such witness could not be examined, even after availing two opportunities to produce such witness.

On 6.2.2007, the plaintiff was granted two opportunities to produce Handwriting Expert, while allowing an application moved by the plaintiff to lead evidence in rebuttal. Inspite of the said two opportunities granted, the plaintiff failed to examine the Handwriting Expert, which led to the passing of the order impugned in the present revision petition.

Learned counsel for the petitioner states that if one opportunity is granted, the plaintiff shall examine either the same witness i.e. an official from the office of Director, Forensic Science Laboratory, Sector-9, Chandigarh, or any other expert witness on the date fixed i.e.

23.3.2007. It is also contended that the petitioner shall compensate the defendants for the delay, in leading of the evidence.

In view of the fact that the case is fixed for 23.3.2007 for the cross-examination of the plaintiff in rebuttal, I deem it appropriate to permit the petitioner to examine an official from the office of Director, Forensic Science Laboratory, Sector-9, Chandigarh or to produce any other expert witness on the date which may be fixed by the trial Court before 31.3.2007, subject to payment of Rs.1000/- as costs. However, it shall be the responsibility of the plaintiff to cause the appearance of the witness on the date that may be fixed by the learned trial Court before 31.3.2007. The non-appearance or non-summoning of the witness shall not be a ground to provide another opportunity to the plaintiff to lead evidence. However, if the witness is present, the same shall be examined by the Court, subject to payment of the costs aforesaid.

Copy of the order be given Dasti under the signatures of the Bench Secretary.

19-03-2007 (HEMANT GUPTA)
ds JUDGE